

Docket No. 2929-0182P

Appl. No. 09/886,548

Art Unit: 2875

Amendment dated May 7, 2004

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REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-40 are currently pending in the instant application. Claims 1-29 and 35-40 have been amended. Claims 1, 5, 14, 20, 23-26, 28, 32, 35 and 37-39 are independent. Reconsideration of the present application is earnestly solicited.

Applicants submit that the amendments to the claims are fully supported by the original written description, including, but not limited to paragraphs 0023-0025 of the specification and FIGs. 1 and 2.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, claims 20, 23, 25 and 38 have been allowed. In addition, the Examiner has indicated that the subject matter of claims 32, 33 and 35 would be allowed if rewritten in independent format. In light of the foregoing amendments to the claims, and as indicated by the Examiner in the Office Action, claims 32, 33 and 35 should also be allowed as claims 32 and 35 have been rewritten in allowable independent format. Applicants submit that the remaining claims are also allowable as discussed in greater detail hereinafter.

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It appears that the Examiner has not accorded any patentable weight to the preamble of the claimed invention. Applicants have therefore amended claims 20, 23 and 38 to clarify that the claimed invention is not necessarily limited to a position light for use on an aircraft.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 8, 15-17 and 28-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ott (U.S. Patent No. 1,637,348). Claims 1, 2, 9, 11, 16-19, 21, 22, 28-31 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada (U.S. Patent No. 5,704,703). Claims 1-3, 9, 11, 14, 17, 26-30, 39 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki (U.S. Patent No. 5,769,532). These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants submit that these rejections have been obviated and/or rendered moot. Specifically, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. Accordingly, these rejections should be withdrawn and the present application should be passed to Issue.

With respect to claim 1, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *“an aircraft position light housing structure, wherein said aircraft position light housing structure is formed to fit within a wing or a fuselage of an aircraft”* and *“a prism having an input face, an output face, and a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.”* (Emphasis added) Accordingly, this rejection should be withdrawn.

Applicants submit that one of ordinary skill in the art would recognize the term “transflective.” Accordingly, the broad definition applied by the Examiner is in direct contrast to the prior art of record, Applicants comments and would be recognized by one of ordinary skill in the art as improper. Accordingly, this rejection should be withdrawn. In addition, Applicants submit that Ott, Sasaki and/or Yamada clearly fail to teach or suggest the unique aircraft position light of the claimed invention, including the aircraft position light housing structure (see paragraphs 0023-0024 and FIG. 2 of the present application) claimed in the body of the claims. Applicants submit that the claimed invention is specifically intended and claimed as including an aircraft position light housing structure that is formed to fit within a wing or a

fuselage of an aircraft (see elements 102, 104, 108 and 110 for wing mounted and 106 for fuselage mounted position lights). None of these references teach or suggest this structure. Further, Applicants submit that these features are not directed at intended use since these features are positively claimed in the body of the independent claims.

With respect to claim 14, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *“an aircraft position light housing structure, wherein said aircraft position light housing structure is formed to fit within a wing or a fuselage of an aircraft”* and *“a prism having an input face, an output face, and a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.”* (Emphasis added) Accordingly, this rejection should be withdrawn.

Sasaki clearly does not teach or suggest a transflective face and/or an aircraft position light. Further, one of ordinary skill in the art clearly would not have modified the signal warning and displaying lamp, e.g., having a hollow cylindrical supporting column, to operate within an aircraft position light housing structure. Accordingly, this rejection should be withdrawn.

With respect to claim 26, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *“An aircraft position light fitted within a wing or fuselage of an aircraft, said aircraft position light comprising: a prism having an input face, an output face, and a transflective face to receive, distribute, and direct light; and at least one solid state light source wherein a first portion of the light emitted from said light source undergoes total internal reflection at said transflective face of said prism and a second portion of the light emitted from said light source is transmitted through said transflective face, the combination of said first and second portions of light producing a lighting pattern with a sharp angular cutoff corresponding to the critical angle for to said total internal reflection at said transflective face.”*

(Emphasis added) Accordingly, this rejection should be withdrawn.

Applicants submit that claim 26 clearly requires an aircraft position light fitted within a wing or a fuselage of an aircraft. Sasaki is unrelated to aircraft and/or does not include the unique transflective face of the claimed invention. Accordingly, this rejection should be withdrawn.

With respect to claim 28, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *“providing an*

aircraft position light housing structure within a wing or a fuselage of an aircraft; placing at said aircraft position light housing structure at least one light source; applying electrical current to said at least one light source; receiving, distributing, and directing light emitted from said light source by a prism having an input face, an output face, and a transflective face, said light sources being located externally to said prism.” (Emphasis added) Accordingly, this rejection should be withdrawn.

Applicants submit that the claimed invention positively requires providing an aircraft position light housing structure within a wing or a fuselage of an aircraft, including a prism having a transflective face. Sasaki is unrelated to aircraft position lights and clearly does not include a transflective face. Accordingly, this rejection should be withdrawn.

With respect to claim 39, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: “*providing at least one solid state light source within a wing or a fuselage of an aircraft*” and “*receiving, distributing, and directing light emitted from said light source by a prism having an input face, an output face, and a transflective face.*” (Emphasis added) Accordingly, this rejection should be withdrawn.

Sasaki is entirely unrelated to aircraft position lighting, particularly any solid state light source within a wing or a fuselage of an aircraft that would also include a prism having a transflective face. Accordingly, this rejection should be withdrawn.

Applicants remind the Examiner that the term “transflective” is a term of art that one of ordinary skill in the art will appreciate as having properties of both transmissive and reflective surfaces, e.g., transflective surfaces share many features of types of surfaces. However, neither Applicants nor the Examiner is permitted to invent definitions for terms that are repugnant to the meaning one of ordinary skill in the art would apply to a term. Transflective surfaces are clearly different than transmissive and/or reflective surfaces, e.g., the surfaces relied upon by the Examiner in the prior art of record are clearly not transflective surfaces. For example, *transflective* surfaces or displays have a translucent material or surface that reflects a portion of the surrounding light, and also transmits backlighting. If a transflective surface is used in reflection, it is not as bright and has lower contrast than the reflective type, but it can be backlit for use in low light conditions. Accordingly, these rejections should be withdrawn.

With respect to Sasaki, the alleged “transflective” surface of the prism of Sasaki is clearly not a transflective surface. For example, the Examiner has

indicated that the reflective surfaces (element 31 in Sasaki) are actually a transflective surface. Applicants respectfully submit that Sasaki clearly indicates at col. 4, lines 64-67 through col. 5, lines 1-4 that these surfaces are only *reflective* surfaces. Further, there is no support in the Sasaki reference for the Examiner's suggestion that this surface is or may function as a transflective surface. Accordingly, this rejection is improper.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-7, 9-14, 24, 26, 27, 36, 37, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ott (U.S. Patent No. 1,637,348) in view of Fujihara et al. (U.S. Patent No. 4,852,985). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Roney et al. (U.S. Patent No. 5,528,474). Claims 5-8, 10,

12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Waltz et al. (U.S. Patent No. 5,450,301). This rejection is respectfully traversed.

With respect to claim 5, the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including “*an aircraft position light housing structure, wherein said aircraft position light housing structure is formed to fit within a wing or a fuselage of an aircraft; at least one light source arranged inside said aircraft position light housing structure; a prism having an input face, an output face, and a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.*” (Emphasis added) Accordingly, the rejections based upon this reference should be withdrawn.

Ott and/or Sasaki are entirely unrelated to Applicants’ claimed aircraft position light. Further, the prior art of record does not teach or suggest an the combination of an aircraft position light including a prism having a transflective surface. Accordingly, this rejection should be withdrawn.

With respect to claim 24, the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including “*an aircraft position light housing structure, wherein said aircraft position light housing structure is formed to fit within a wing or a fuselage of an aircraft; a*

plurality of solid state light sources arranged inside said aircraft position light housing structure; an alignment guide for aligning said solid state light sources to direct said light sources; a prism having an input face, an output face, and a *transflective face to receive, distribute, and direct light emitted by said solid state light sources*, said light sources being located externally to said prism.”

(Emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 26, the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including “*An aircraft position light fitted within a wing or fuselage of an aircraft*, said aircraft position light comprising: a prism having an input face, an output face, and a *transflective face to receive, distribute, and direct light*.” (Emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 37, the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including “*providing an aircraft position light housing structure within a wing or a fuselage of an aircraft*” and “*receiving, distributing, and directing light emitted from said solid state light sources by a prism having an input face, an output face, and a transflective face, said light sources being located externally to said prism*.” (Emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 39, “*providing at least one solid state light source within a wing or a fuselage of an aircraft*” and “*receiving, distributing, and directing light emitted from said light source by a prism having an input face, an output face, and a transflective face, wherein a first portion of the light emitted from said light source undergoes total internal reflection at said transflective face of said prism and a second portion of the light emitted from said light source is transmitted through said transflective face, the combination of said first and second portions of light producing a lighting pattern with a sharp angular cutoff corresponding to the critical angle for said total internal reflection at said transflective face.*” (Emphasis added) Accordingly, this rejection should be withdrawn.

Applicants submit that Ott and/or Sasaki are unrelated to aircraft position lighting and therefore cannot reasonably be interpreted to teach or suggest the claimed invention of claims 24, 26, 37 and 39. Further, Ott and/or Sasaki do not teach or suggest including a prism having a transflective surface within an aircraft position light. Accordingly, these rejections should be withdrawn and the present application should be passed to Issue.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

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CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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